

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: November 16, 2005

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: N/A

Staff Contact Person: Timothy J. McGarry

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**AGENDA ITEM WORDING:**

Approval of an ordinance adopting interim amendments to Section 6-17 (Permit Requirements) of the Monroe County Code providing exemption from permitting requirements for damage due to Hurricane Wilma.

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**ITEM BACKGROUND:**

Emergency Directive 15-2005 issued under the State of Local Emergency provides permit exemptions where imminent danger to life or safety exists or to prevent further damage caused by Hurricane Wilma, for residential work involving the replacement of 300 square feet or less of storm damage roof shingle and for any work involving the demolition/removal of dry wall, cabinet and vanities, heating/cooling and electrical systems, and floor coverings in flooded structures and demolition of storm damaged accessory structures or docks, seawalls and lifts.

These permit exemptions will last for a period of 60 to 90 days based on the type of permit and will expire within 90 days of the effective date of this ordinance. Approval of this ordinance will authorize permit exemptions beyond the duration of the State of Local Emergency.

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**PREVIOUS RELEVANT BOCC ACTION:** N/A

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty X OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**

  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X

Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**ORDINANCE NO.   -2005**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING INTERIM AMENDMENTS TO SECTION 6-17 [PERMIT REQUIREMENTS], MONROE COUNTY CODE IN RESPONSE TO HURRICANE WILMA; PROVIDING EXEMPTIONS FROM PERMITTING REQUIREMENTS FOR A LIMITED PERIOD OF TIME; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR FILING IN THE OFFICE OF THE MONROE COUNTY CLERK AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA AND PROVIDING FOR EXPIRATION WITHIN 90 DAYS OF THE EFFECTIVE DATE.**

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WHEREAS, unincorporated Monroe County has suffered significant property damage, particularly due to the storm surge from Hurricane Wilma; and

WHEREAS, pursuant to F.S. 252.36, the Governor executed executive order 05-219 declaring a state of emergency in Florida; and

WHEREAS, said declaration of emergency specifically invokes F.S.252.46 (1) authorizing political subdivisions to make such orders and rules necessary for emergency management purposes; and

WHEREAS, pursuant to F.S. 252.38 and Monroe County Ordinance No. 028-1987, on October 26, 2005 Monroe County issued a Declaration of Local Emergency for a period of 7 days thereby waiving the procedures and formalities otherwise required by the political subdivision to authorize action as necessary to insure the health, safety and welfare of the community; and

WHEREAS, the County has extended the State of Local Emergency in Monroe County and through Emergency Directive #2005-15 established exemptions from permit requirements for storm damaged structures due to the effects of Hurricane Wilma to expedite the recovery process for property owners; and

WHEREAS, with the eventual termination of the State of Local Emergency and the need to establish a more limited time period for these permit exemptions, interim regulations to Section 6-17 need to be adopted; and

WHEREAS, these permit exemptions are intended to be applied solely to damage recovery activities resulting from Hurricane Wilma in order to protecting life and safety, prevent further property damage, repair minor roof damage, and remove and demolish damaged structures and interior fixtures;

WHEREAS, in accordance with the requirements of F.S. 252.46(2), the Board of County Commissioners has promulgated this interim amendment to Section 6-17 of the Monroe County Code to provide for interim permit exemptions for a limited period of time; and,

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** The Board hereby adopts the above referenced statutory citations as findings of fact.

**Section 2.** Section 6-17(d), Monroe County Code, is hereby created to read as follows:

*(d) Permit Exemptions for Hurricane Wilma:* Notwithstanding the provisions of paragraph (a) above, the following work shall be exempted from requiring a permit prior to the time periods specified below:

- (1) No permit shall be required where imminent danger to life or safety exists or to prevent further property damage caused by Hurricane Wilma. Property owners may make necessary repairs to the minimum extent necessary without a permit; however, photographs should be taken before and after the necessary repairs. This exemption from the permitting requirements of this chapter shall be for a period of sixty (60) days from the effective date of this ordinance.
- (2) No permit shall be required for any residential work involving the replacement of 300 square feet or less of storm damage roof shingle. This exemption from the permitting requirement of this chapter shall be for a period of sixty (60) days from the effective date of this ordinance.
- (3) No permit shall be required for any work involving the demolition/removal of dry wall, cabinet and vanities, heating/cooling and electrical systems, and floor coverings in flooded structures, and demolition of storm damaged accessory structures or docks, seawalls, and lifts. This exemption from the permitting requirement of this chapter shall be for a period of ninety (90) days from the effective date of this ordinance.

**Section 3.** Pursuant to the provisions of F.S. 252.46, this ordinance shall become effective immediately upon filing in the office of the Monroe County Clerk.

**Section 4.** This ordinance shall stand repealed as of 11:59 p.m. on the 90<sup>th</sup> day after the effective date of this ordinance, unless repealed sooner by the Board of County Commissioners.

**Section 5.** If any section, subsection, sentence, clause, item, charge or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 6.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 7.** This ordinance shall be filed with the Office of the Secretary of State of the State of Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16<sup>th</sup> day of November, 2005.

Mayor Dixie M. Spear \_\_\_\_\_  
Mayor Pro Tem Charles "Sonny" McCoy \_\_\_\_\_  
Commissioner Murray E. Nelson \_\_\_\_\_  
Commissioner George Nugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: \_\_\_\_\_  
Mayor/Chairman

Attest: DANNY L. KOLHAGE, Clerk

By: \_\_\_\_\_  
Deputy Clerk

